

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Crl.O.P.No.10061 of 2021

1. G.Dina
2. G.Krishnamoorthy
3. G.Chandhiran
4. G.Jayaprakash
5. R.Vediyappan

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
(Crime No.218 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge on bail in the event of arrest in FIR No.218 of 2021 on the file of the Respondent Police.

For Petitioners : Mr.C.Palanisamy

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.side)

O R D E R

(The case has been heard through video conference)

The petitioners apprehend arrest by the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 341, 506(2) of IPC, in FIR No. 218 of 2021, and they seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was assaulted by the accused who are 19 in number and the petitioners herein were arrayed as A13 to A17 in the FIR. In such circumstances, it is alleged that the petitioners as well as the remaining accused have committed the alleged offences.

3. However, it is the case of the petitioners that they are innocents and no way connected with the commission of the alleged offences.

4. The learned Government Advocate (Crl. Side) would submit that in view of the assault, the defacto complainant sustained minor hand injuries.

5. At this juncture, the learned Counsel for the petitioners would submit that two of the accused have already been granted anticipatory bail by order of this Court dated 03.06.2021 in Crl.O.P.No.9776 of 2021 and the order copy is also perused.

6. Considering the aforementioned factors and considering the fact that the defacto complainant has not sustained any major injury and in view of the fact that some of the accuse have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners subject to the fulfilment of the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of lifting of lockdown or the commencement of Courts normal functioning whichever is earlier, before the learned Judicial Magistrate, Uthangarai, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/ Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
09/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT,
UTHANGARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C. PALANISAMY Advocate on payment of necessary charges

CRL OP.10061/2021

Date : 09/06/2021

MK:12/07/2021

WEB COPY